

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES OF AMERICA,**

Plaintiff,

v.

**HENRY CERVANTES,**

Defendant.

Case No. 12-cr-00792-YGR-1

**ORDER REQUIRING FURTHER SUBMISSION  
FROM GOVERNMENT REGARDING  
DEFENDANT HENRY CERVANTES' RULES 29  
AND 33 MOTION AT DOCKET NUMBER 1443**

Re: Dkt. No. 1529

The Court has received the government's opposition to defendant Henry Cervantes' Rule 29 and Rule 33 motion. (Dkt. No. 1529.) The Court requires further submission from the government addressing the following issue: Even if the Court were to find sufficient evidence to support the guilty verdicts in Counts 1 and 21, should the Court enter a directed verdict as to the drug weight interrogatory appended to Count 21 only, especially in light of the jury's response in Count 1, special interrogatory number six? (*See* Dkt. No. 1443 at 7.) In other words, was the evidence presented at trial legally insufficient to support a finding of any drug weight in the special interrogatory in Count 21 as to Henry Cervantes specifically?

**IT IS SO ORDERED.**

Dated: December 9, 2016

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE